IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8731 of 1998

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VADODARA DISTRICT PANCHAYAT SANGH

Versus

STATE OF GUJARAT

Appearance:
MR BS PATEL for Petitioner
Mrs. Mansha Lavkumar, Ld. AGP for Respondent

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE C.K.THAKKAR

Date of decision: 14/02/2000

ORAL JUDGEMENT

Per: C.K. Thakkar, J :-

Leave to amend the words 'Gujarat Panchayat Act'

instead of Gujarat Panchayat Rules at Annexure-B at pp. 38 and 39.

Rule. Learned Addl. Govt. Pleader Mrs. Manisha Lavkumar waives service of rule for respondent State.

In this petition Constitutional validity and vires of Section 56 (2) of the Gujarat Panchayats Act, 1993 is challenged.

An identical question arose before a Division Bench of this Court in Special Civil Application No. 3820 of 1999. After considering two decisions rendered by the Apex Court, the Division Bench held the provisions intra vires and constitutional.

Learned counsel for the petitioner also stated that, it is true that the constitutional validity of Section 56 (2) of the Act has been upheld by this Court. In view of this, in our opinion, the petition deserves to be dismissed and is accordingly dismissed. We may, however, state that, in view of the fact that we are upholding the constitutional validity of Section 56 (2) of the Act, and dismissing the petition, we are not entering into the merits of the matter. Rule is discharged. No order as to cost.

Dt: 14-2-2000

(D.M. Dharmadhikari, C.J.)

/vgn. (C.K. Thakkar, J)